

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL ANDREWS,

Plaintiff,

-against-

KEVIN RICO, et al.,

Defendants.

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>4/3/2024</u>

23-CV-06968 (MMG)

**ORDER OF SERVICE**

MARGARET M. GARNETT, United States District Judge:

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

On August 21, 2023, Judge Lewis L. Liman, the Judge formerly assigned to this case, ordered New York City’s Office of the Corporation Counsel (“Corporation Counsel”) to ascertain service addresses for Defendants FDNY EMS Kevin Pico<sup>1</sup> and NYPD Sergeant Matthew Evans (together, the “Individual Defendants” and each an “Individual Defendant”) pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997) (the “*Valentin Order*”). On December 6, 2023, Corporation Counsel and the City provided a supplemental response to the *Valentin Order* providing the Court with addresses at which each Individual Defendant can be served, and simultaneously requesting an extension of time to respond to the Complaint until “thirty (30) days after all individual City defendants have been served.”<sup>2</sup> *See* Dkt. No. 20.

On December 7, 2024, Judge Liman granted Corporation Counsel and the City’s request for an extension of time to respond to the Complaint. *See* Dkt. No. 24. However, in granting the request, no accompanying Order of Service was issued and as of the date of this Order, the Individual Defendants have not yet been served. On February 20, 2024, this case was reassigned to the undersigned.

To allow Plaintiff to effect service on the Individual Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process

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<sup>1</sup> Corporation Counsel’s December 6, 2023 submission identified for the Court that the Individual Defendant named in the Complaint as “FDNY EMS Kevin Rico,” is in fact named Kevin Pico, and that there is no FDNY employee by the name of Kevin Rico. Upon this representation by Corporation Counsel, the Court therefore refers to this Individual Defendant as FDNY EMS Kevin Pico herein.

<sup>2</sup> Corporation Counsel’s response to the *Valentin Order* represented that Individual Defendant Kevin Pico, Badge No. 2673, may be served at the New York City Fire Department Headquarters, located at 9 Metrotech Center, Brooklyn, New York 11021, and that Individual Defendant Matthew Evans, Badge No. 2039, may be served at the 103<sup>rd</sup> Precinct of the New York City Police Department, located at 168-02 91st Avenue, Jamaica, New York 11432.

Receipt and Return form (“USM-285 form”) for each Individual Defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the Individual Defendants. The Clerk of Court is also instructed to mail a copy of this Order to the New York City Law Department, 100 Church Street, New York, N.Y. 10007, and to mail a copy of this Order and an information package to Plaintiff.

Dated: April 3, 2024  
New York, New York

SO ORDERED.



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MARGARET M. GARNETT  
United States District Judge